

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT COURT OF UTAH, CENTRAL DIVISION**

AMADOR SANTONIO,

Plaintiff,

v. No. CIV 06-1051 JC/RHS

JAMES R. TAYLOR, et al.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS**

**AND GRANTING PLAINTIFF'S MOTION TO DISMISS**

THIS MATTER comes before the Court on Plaintiff's "Motion re: In the Alternative" ("Motion"), filed September 10, 2007 [**Doc. No. 85**] and the proposed findings and recommendation of the United States Magistrate Judge ("Recommendation"), filed September 25, 2007 [**Doc. No. 87**]. Defendants have filed no objections to the Magistrate Judge's Recommendation. In his "Limited Memorandum," filed October 3, 2007 [**Doc. No. 88**], Plaintiff appears to offer additional argument in support of his Motion. In any event, Plaintiff does not object to the Magistrate Judge's proposed findings or recommendation.

Having considered the same, the Court concludes that the proposed findings of the Magistrate Judge will be adopted and Plaintiff's Motion will be granted and this proceeding will be dismissed without prejudice. The Court further recommends that Plaintiff consult with competent counsel in determining whether and how to proceed with respect to any future litigation.

WHEREFORE,

IT IS HEREBY ORDERED that the proposed findings of the United States Magistrate

Judge [Doc. No. 87] are adopted by the Court.

IT IS FURTHER ORDERED that Plaintiff's "Motion re: In the Alternative" [Doc. No. 85] is **granted** and this civil proceeding is **dismissed** without prejudice.

IT IS FINALLY ORDERED that any pending motions are **denied** as moot.

DATED October 15, 2007.

s/John Edwards Conway

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SENIOR U.S. DISTRICT JUDGE  
Sitting by Designation from the  
District of New Mexico